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Request for the inclusion of an item in the provisional agenda of the sixty-eighth session

Observer status for the International Anti-Corruption Academy in the General Assembly

Letter dated 27 June 2013 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

Pursuant to rule 13 of the rules of procedure of the General Assembly, I have the honour to request the inclusion, in the provisional agenda of the sixty-eighth session of the General Assembly, of an item entitled "Observer status for the International Anti-Corruption Academy in the General Assembly".

In accordance with rule 20 of the rules of procedure of the General Assembly, the present request is accompanied by an explanatory memorandum (annex I) and a draft resolution (annex II).

I have the honour to request that the present letter and its annexes be circulated as a document of the General Assembly.

(*Signed*) Martin **Sajdik**
Ambassador

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Annex I

Explanatory memorandum

The International Anti-Corruption Academy is an international organization located in Laxenburg, Austria.

The purpose of the Academy is to promote the effective and efficient prevention and combating of corruption by providing anti-corruption education and professional training, undertaking and facilitating research into all aspects of corruption, providing other relevant forms of technical assistance in the fight against corruption and fostering international cooperation and networking. The activities of the Academy observe the principle of academic freedom, meet the highest academic and professional standards and address the phenomenon of corruption in a comprehensive and interdisciplinary way, taking due account of cultural diversity, gender equality and recent developments in the field of corruption at the global and regional levels.

As at 26 June 2013 the Academy had 46 parties and 21 signatories — United Nations Member States and international organizations — from all regions of the globe.

According to decision 49/426 of the General Assembly, the granting of observer status in the Assembly is "confined to States and to those intergovernmental organizations whose activities cover matters of interest to the Assembly".

The objectives of the General Assembly and the Academy in the fight against corruption are complementary. By advancing the goals of the United Nations Convention against Corruption, promoting the rule of law and providing support and technical assistance in translating anti-corruption efforts into reality, the Academy contributes to the activities of the United Nations. Furthermore, the promotion of the Academy through the United Nations system can foster broader dissemination of the knowledge gained and the activities offered by the Academy.

Granting the Academy observer status would therefore further foster the mutually beneficial institutional dialogue between the United Nations and the Academy.

I. Historical background

The International Anti-Corruption Academy was initiated by the United Nations Office on Drugs and Crime (UNODC), the Republic of Austria and the European Anti-Fraud Office, along with other international stakeholders. The idea was to set up a central body of expertise to overcome shortcomings in knowledge and practice in the field of anti-corruption and empower professionals to effectively address the complex offence of corruption. The Academy, the first of its kind, aims to deliver and facilitate anti-corruption education and training for practitioners from all sectors of society and to provide support and technical assistance to a wide variety of stakeholders.

The Academy has been explicitly welcomed by an array of international resolutions, including those of the General Assembly, the Conference of the States Parties to the United Nations Convention against Corruption, the Conference of

States Parties to the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption of the Organization of American States, the European Union Justice and Home Affairs Council, the European Union-Community of Latin American and Caribbean States Action Plan 2013-2015 and the Ministerial Council of the Organization for Security and Cooperation in Europe held in Dublin in 2012.

At its inaugural conference, held in Vienna in September 2010, 35 United Nations Member States and one international organization signed the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization. The Agreement was open for signature until 31 December 2010. By that date, 16 additional United Nations Member States and one international organization had signed the Agreement. On 8 March 2011, the Agreement entered into force and the Academy became an intergovernmental organization. After 31 December 2010, the Agreement remains open for accession by United Nations Member States and international organizations.

II. Members

As at 26 June 2013, the Academy had 46 parties and 21 signatories from all regions of the globe.

The following United Nations Member States and international organizations are party to the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization: Afghanistan, Albania, Australia, Austria, Azerbaijan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Burkina Faso, Croatia, Cyprus, Czech Republic, Egypt, Hungary, India, Israel, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mexico, Mongolia, Montenegro, Nigeria, Pakistan, Panama, Philippines, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Serbia, Slovakia, Slovenia, Spain, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Turkey, European Public Law Organization, International Centre for Migration Policy Development and International Organization for Migration.

The following United Nations Member States are signatories to the Agreement: Argentina, Benin, Brazil, Cape Verde, Chile, Democratic Republic of the Congo, Greece, Indonesia, Iraq, Kenya, Libya, Mali, Mozambique, Peru, Portugal, Senegal, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland, Yemen and Zambia.

III. Structure, management and financing

On 29 and 30 November 2012, the Academy convened its first Assembly of Parties (Bureau: Austria, Bulgaria, Mexico, Thailand and Turkey). Prior to this, the organization had first been guided by an International Steering Committee (chaired by Austria), followed by a Provisional Commission of all its Parties and Signatories (chaired by Argentina; Bureau: Argentina, Austria/Israel, Kenya, Romania/Russian Federation and Thailand). The Agreement defines the Assembly of Parties as the forum for parties to consult on the overall policy of the Academy. The Assembly is, inter alia, mandated to adopt recommendations relating to the Academy's policies and management, adopt the work programme of the Academy, engage in fundraising

activities for the Academy and elect the Board of Governors. The second Assembly of Parties is scheduled to be convened in Bangkok from 9 to 11 December 2013.

The Academy is governed by the Board of Governors, which was elected for the first time during the first Assembly of Parties, and which consists of 11 members. Nine members are elected by the Assembly. In addition, UNODC and the Republic of Austria are each entitled to appoint one member. In accordance with the Agreement, the Board of Governors shall, inter alia, decide on the strategy, policies and guidelines for activities of the Academy, adopt the rules governing the operation of the Academy, appoint the Dean and elect the members of the International Senior Advisory Board and the International Academic Advisory Board.

The day-to-day management of the organization and its external representation lies with the Dean, who is also the Executive Secretary of the Assembly of Parties. The first Dean was unanimously appointed by the Board of Governors for a term of four years on 30 November 2012.

The Academy is financed by voluntary contributions from parties to the Agreement, the private sector and other donors. It is also financed through tuition fees, training and technical assistance fees, service revenues, for example from publications, as well as other income, including trusts and endowments.

IV. Purpose and activities

The Academy provides a new, holistic approach to professionalizing anti-corruption education and research. It observes geographical and cultural diversity and seeks broad partnerships with public and private sector institutions, including academia, civil society and non-governmental organizations.

Article II of the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization defines the Academy's main objectives:

Article II

Purpose and activities

1. The purpose of the Academy shall be to promote effective and efficient prevention and combating of corruption by:

(a) Providing anti-corruption education and professional training;

(b) Undertaking and facilitating research into all aspects of corruption;

(c) Providing other relevant forms of technical assistance in the fight against corruption;

(d) Fostering international cooperation and networking in the fight against corruption.

2. The activities of the Academy shall observe the principle of academic freedom, meet highest academic and professional standards and address the phenomenon of corruption in a comprehensive and interdisciplinary way, taking due account of cultural diversity, gender equality and recent developments in the field of corruption at the global and regional levels.

The Academy's services are based on five pillars:

(a) Standardized trainings and research activities;

(b) Tailor-made trainings and research activities;

(c) Academic degree programmes;

(d) A platform for dialogue and networking;

(e) Anti-corruption think tank and benchmarking activities.

Since late 2010, the Academy has been offering standardized and tailor-made anti-corruption trainings, workshops and seminars. It has also organized a series of special events and hosted or co-sponsored conferences throughout the world. The first academic degree programme at the Academy, the international, interdisciplinary Master in Anti-Corruption Studies, was launched in 2012, bringing together anti-corruption professionals from 17 countries.

V. Observer status in the General Assembly

According to decision 49/426 of the General Assembly, the granting of observer status in the General Assembly is "confined to States and to those intergovernmental organizations whose activities cover matters of interest to the Assembly".

The Academy is an intergovernmental organization, as it was established through a multilateral treaty, the Agreement for the Establishment of the International Anti-Corruption Academy as an International Organization, its members are United Nations Member States and intergovernmental organizations, and it is financed by those members.

With corruption having become an increasingly complex phenomenon that can only be tackled with joint, transnational forces, the Academy can make a valuable contribution to this endeavour. The Academy is a global and inclusive initiative, with more than 60 members from all continents, that adheres to the principle of geographical diversity.

The United Nations Convention against Corruption forms the international legal framework for Governments in their fight against corruption. Articles 60 and 62 contain comprehensive provisions on technical assistance, including training activities. Pursuant to the cooperation agreement between the United Nations and the International Anti-Corruption Academy, the latter closely cooperates with UNODC, the guardian of the Convention. The Academy's training offers are largely based on the Convention and other comprehensive international instruments. To this end, the Academy also envisages assisting States parties to the Convention in translating the provisions of the Convention into reality. The United Nations and the Academy therefore already have close ties.

At its sixty-seventh session, the General Assembly adopted the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (resolution 67/1). In paragraph 25, it states:

> We are convinced of the negative impact of corruption, which obstructs economic growth and development, erodes public confidence, legitimacy and transparency and hinders the making of fair and effective laws, as well as their

administration, enforcement and adjudication, and therefore stress the importance of the rule of law as an essential element in addressing and preventing corruption, including by strengthening cooperation among States concerning criminal matters.

With resolution 66/288, which contains the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", the General Assembly underlined the importance of the fight against corruption in order to eradicate poverty more effectively. In the same resolution, the Assembly also urged Member States to ratify the Convention or to accede to it.

Therefore, the Academy's purpose and activities are clearly in line with the interests of the General Assembly. The objectives of the Assembly and the Academy in the fight against corruption are complementary. Granting the Academy observer status would therefore further foster the mutually beneficial institutional dialogue between the United Nations and the Academy. By advancing the goals of the United Nations Convention against Corruption, promoting the rule of law and providing support and technical assistance in translating anti-corruption efforts into reality, the Academy contributes to the activities of the United Nations. Furthermore, the promotion of the Academy through the United Nations system can foster broader dissemination of the knowledge gained and the activities offered by the Academy. The granting by the Assembly of observer status to the Academy would thus be a natural advancement of the relationship between the United Nations and the Academy.

Annex II

Draft resolution

Observer status for the International Anti-Corruption Academy

The General Assembly,

Wishing to promote cooperation between the United Nations and the International Anti-Corruption Academy,

1. *Decides* to invite the International Anti-Corruption Academy to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.